

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KATIE GUTHERLESS,

Plaintiff,

v.

UNION PACIFIC RAILROAD
COMPANY,

Defendant.

8:20CV442

ORDER

Having reviewed the objections (Filing No. 110) by defendant Union Pacific Railroad Company to plaintiff's Deposition Designations, the Court rules as follows:

1. OBJECTIONS TO PLAINTIFF'S DESIGNATIONS – NEIL SPONSEL:

DESIGNATION	OBJECTION	RULING
17:8 – 19:10	Relevance, 403	Sustained
58:10 – 58:25	Relevance, 403	Overruled
60:22 – 61:9	Relevance, 403, 407	Overruled
62:2 – 63:2	Relevance, 403, not substantially similar incidents, 404 (impermissible other act evidence), 407	Sustained
64:12 – 65:4	Relevance, 403	Sustained
77:9 – 79:18	Relevance, 403. No dispute the retarders were functioning as intended	Sustained
81:3 – 81:25	Relevance, 403. No dispute the retarders were functioning as intended	Sustained
97:10 – 97:16	401,403	Overruled
102:8 – 103:16	401,403	Overruled
115:16 – 116:6	Calls for hearsay, relevance, 403 (phrase "dangerous" car can be misleading and	Overruled

	confuse the issue because it is a railroad term of art related to hazardous materials)	
116:7 – 116:19	Relevance, 403	Sustained

2. OBJECTIONS TO PLAINTIFF’S DESIGNATIONS – RICKIE CLARK:

DESIGNATION	OBJECTION	RULING
41:6 – 41:18	Hearsay	Overruled
42:6 – 42:8	Hearsay - “I’ve heard it in the bowl”	Sustained
42:10 – 42:14	Leading	Overruled
43:19 – 44:5	Hearsay, lack of personal knowledge (testifying based on conversations with other employees)	Sustained

3. OBJECTIONS TO PLAINTIFF’S DESIGNATIONS – LAWRENCE PETERRA:

DESIGNATION	OBJECTION	RULING
23:22 – 24:24	Calls for hearsay/speculation	Sustained
35:15 – 35:25	Relevance	Overruled
45:19 – 46:19	Calls for speculation	Sustained
56:2 – 60:1	Lack of foundation, calls for speculation, hearsay for all questions re: Exhibit 46	Overruled
72:24 – 73:2	Foundation, calls for speculation	Overruled

4. OBJECTIONS TO PLAINTIFF’S DESIGNATIONS – KIA WASHINGTON:

DESIGNATION	OBJECTION	RULING
20:18 – 20:21	Leading, calls for speculation	Overruled
29:10 – 29:15	Foundation, 702, 703	Overruled

30:1 – 30:10	Leading, relevance	Overruled
30:19 – 30:25	701-703, Rule 26 disclosures	Overruled
Pages 31-47 in their entirety	701-703, Rule 26 disclosures, foundation, speculative, hearsay, relevance, cumulative, non-responsive	Overruled (unclear what exactly is meant by the objection entitled “Rule 26 disclosures”)
57:4 starting with “Again” - 58:1	Non-responsive, speculative, 702, 703	Sustained
59:1 – 60:9	Speculative, 702-703, cumulative, duplicative	Overruled

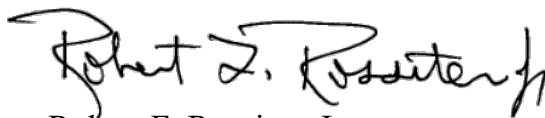
5. OBJECTIONS TO PLAINTIFF’S DESIGNATIONS – JEANIE SHIMMIN:

DESIGNATION	OBJECTION	RULING
14:20 – 14:21	Form, leading	Sustained
18:23 – 19:4	Form, leading, assumes facts not in evidence	Overruled

IT IS SO ORDERED.

Dated this 6th day of January 2022.

BY THE COURT:



Robert F. Rossiter, Jr.
Chief United States District Judge